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UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

Amitabho Chattopadhyay,
et. al.

Plaintiffs,

v.

BBVA Compass Bancshares, Inc.,
et. al.,
Defendants.

Case No. 3:19-cv-01541-JST

**PLAINTIFFS' REQUEST FOR JUDICIAL NOTICE
IN SUPPORT OF OPPOSITION TO MOTION TO
DISMISS PURSUANT TO RULE 12(B)(6)**

Date: October 2, 2019

Time: 2:00 p.m.

Room: Courtroom 9 - Floor 19
450 Golden Gate Ave.
San Francisco, CA 94102

Judge: Hon. Jon Tigar

REQUEST FOR JUDICIAL NOTICE

Pursuant to Federal Rule of Evidence 201, Plaintiffs request that the court take judicial notice of the following facts, as follows:

1. No bank besides the defendants' 'Simple Bank' categorically bars all non-citizens from opening a bank account.
2. No national bank¹ which allows people to open an account online besides PNC Bank and defendant Compass Bank require non-citizens to open an account in person.
3. State-issued drivers' licenses and identification cards, foreign passports, Permanent Resident cards and Employment Authorization Documents, all documents which

¹ Huntington Bank, the only other bank which does not allow non-citizens to sign up on-line, is a regional bank which does not operate within the trial court's territorial jurisdiction.

1 may be obtained by non-citizens with valid social security numbers, are generally
2 accepted as a form of identification by governments and private entities.

3 4. There is no central database or a registry of the identities of U.S. citizens.

4 5. All non-citizens who have obtained a social security number have their fingerprints,
5 photos, names, dates of birth, eye color, hair color, current address and other biometric
6 information on file with the federal government.

7 Under Federal Rule of Evidence 201, “[t]he court may judicially notice a fact that is not
8 subject to reasonable dispute because it: (1) is generally known within the trial court’s territorial
9 jurisdiction; or (2) can be accurately and readily determined from sources whose accuracy cannot
10 reasonably be questioned.” Fed. R. Evid. 201(b).

11 Fact 1 and 2 are generally well known within the trial court’s territorial jurisdiction; any-
12 one who’s ever opened a bank account online knows that, at worst, they ask if you’re ‘a U.S. citizen
13 or other U.S. person, including a resident alien’, purely for tax purposes. A ‘resident alien’ for tax
14 purposes is anyone who’s been present in the United States for more than 183 days in a year. 26
15 U.S.C. § 7701(b). This can be accurately and readily determined by going on any online bank’s
16 website.

17 Fact 3 is generally well known within the trial court’s territorial jurisdiction. In addi-
18 tion, it can be accurately and readily determined by consulting the regulations of any number of
19 government agencies and private entities. For example, the California DMV includes all of these
20 documents, amongst a great variety of others, amongst its list of documents that may be used to
21 ascertain identity and/or legal immigration status. 13 Code of California Regulations §§ 15.00 &
22 16.04. So does the Social Security Administration. POMS RM 10210.420. So does the Depart-
23 ment of Homeland Security, in implementing the REAL ID Act of 2005. 6 CFR § 37.11. So
24 do all employers; in fact, it is illegal to refuse to accept this documentation in the employment
25 context. 8 U.S.C. § 1324b. So does Wells Fargo Bank, one of the largest banks in America. See
26 *Personal Identification*, <https://www.wellsfargo.com/home-center/reference/personal-id/>.

27 Fact 4 is generally well known within the trial court’s territorial jurisdiction.

1 Fact 5 may be accurately and readily determined from the application forms, procedures
2 and memoranda published by USCIS and the Department of State on their official websites.

3 Respectfully submitted,
4 /s/ Erin L. Brinkman
5 Erin L. Brinkman
6 August 19, 2019
7 Counsel for Plaintiffs
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